

Erskine May, Chapter IV, pp. 225-234

Crown Lands and Revenues before 1760

THE history of the land revenues of the crown presents as many vicissitudes, and varied fortunes, as are to be found in the domestic annals of any family in the kingdom.

The Mediaeval Period

The entire lands of the realm were originally held of the crown, by various feudal tenures; and the royal revenues were derived from fines, fees, first-fruits and tenths, and other profits arising from these lands, and from the rents of the ancient demesnes of the crown. To support the barbarous magnificence of his household,—his numerous retainers, and rude hospitality,—was nearly the sole expense of the king; for, as feudal superior, he commanded the services of his tenants in the field, who fought by his side with an array of men and horses, equipped and maintained at their own expense.

By means of escheats and forfeitures, there was [226] even a danger of the crown becoming the absolute proprietor of all the lands of the realm. But vast as were the king's possessions, they were not vast enough to satisfy the rapacity of his followers; and in every succeeding reign, the grants and alienations of crown lands exceeded the escheats and forfeitures. The estates of the crown were further diminished by wrongful appropriations, and encroachments. Repenting their liberality, kings frequently resumed their former grants; and alienations improvidently made, were unjustly and violently revoked. Yet such had been the waste of the once ample revenues of the crown, that Henry III. complained that they had become too scanty to furnish his royal table; and the needy monarch was reduced to the necessity of giving tallies for the supply of beeves and grain for his household. An extensive assumption of grants, however, and the forfeiture of the estates of rebel barons, retrieved his fallen fortunes. Such was the liberality of Edward II. that an ordinance was passed by Parliament prohibiting the alienation of crown lands,—which was repealed, however, by a Parliament at York, in the 15th year of his reign. But the profusion of this king was supplied by prodigious forfeitures.

Richard II. again, was not less profuse in his grants, nor less prodigal in his confiscations. The Wars of the Roses were so fruitful of forfeitures, that a large proportion of the land of the realm became the property of the crown. Had it been retained, there would have been no monarch in Europe so [227] absolute as that of England: but the spoils of one faction were eagerly grasped by the other; and the crown gained little by the lands which it won upon the field of battle, or wrested from their owners on the scaffold. In the reign of Henry V. the estates of the crown were considerably augmented by the appropriation of the Alien Pories,—one hundred and ten in number. Yet the income of Henry VI. was reduced so low as £5,000 a year; and in his reign, several general resumptions of grants were authorised by Parliament, in order to supply his necessities.

The Reformation and the Civil War

The rapacity of Henry VII. was needed to retrieve the revenues of the crown; and his exactions and thrift repaired the waste of former reigns. His acquisitions, however, were as nothing compared with the wholesale plunder of the monasteries, and other religious and charitable foundations, by Henry VIII., which has been valued at upwards of £30,000,000

sterling. Yet such were the magnificence and prodigality of this king, that at his death, his treasury was found to be entirely empty. The crown was as poor as ever: but the great nobles, who were enriched by grants of the church lands—more provident than their royal master—held them fast for their descendants. In the seventh year of the reign of James I. the entire land revenues of the crown and Duchy of Lancaster amounted to no more than £66,870 a year, while the king's debts exceeded a million. During [228] his reign he sold lands to the extent of £775,000, and left debts of about an equal amount.

But more evil days were at hand for the land revenues. Charles I., unable to obtain supplies from Parliament, and gaining little from his illegal exactions,—was forced to sell and mortgage the property of the crown. The Parliament, after his death, completed the spoliation, of which he had set them the example; and sold nearly all the royal estates, in order to pay the arrears due to the Parliamentary forces, and discharge the debts of the new government. At the Restoration, these latter sales were declared void; and many of the estates of the crown were recovered. But they were recovered,—to be again squandered and dispersed. In three years, Charles II. had reduced the income of the crown lands from £217,900 to £100,000 a year. In the first year of his reign he surrendered the court of wards and liveries, and the military tenures, in exchange for a settlement of certain duties of excise;(1) being the first instance of a surrender by the crown of its interest in any part of the hereditary revenues. During this reign, a large proportion of the fee-farm rents belonging to the crown, was sold by act of Parliament;(2) and further grants of these rents were made during the reigns of William III. and Queen Anne. The liberality of William III. to his followers, provoked remonstrances from Parliament. [229] He was even obliged to recall an enormous grant to the Earl of Portland, which conveyed to that nobleman four-fifths of the county of Denbigh, with a reserved rent of 6s. 8d., payable to the crown: but he compensated the Earl with other lands and manors.

Alienation of Crown Lands Restrained

So jealous were the Commons, at this period, of the continual diminution of the hereditary revenues of the crown, that several bills were brought in to resume all grants made by Charles II., James II., and William; and to prevent further alienations of crown lands. At the end of William's reign, Parliament having obtained accounts of the state of the land revenues, found that they had been reduced by grants, alienations, incumbrances, reversions, and pensions, until they scarcely exceeded the rent-roll of a squire.

Such an abuse of the rights of the crown could no longer be tolerated; and on the settlement of the civil list of Queen Anne, Parliament at length interposed to restrain it. It was now nearly too late. The sad confession was made, 'that the necessary expenses of supporting the crown, or the greater part of them, were formerly defrayed by a land revenue, which had, from time to time, been impaired by the grants of former kings and [230] queens, so that her Majesty's land revenues could then afford very little towards the support of her government.'(3) Yet to preserve what was still left, it was now provided that no future lease (except a building lease) should be granted for more than thirty-one years, or three lives; and that a reasonable rent should be reserved. If such a law as this had been passed immediately after the Restoration, the land revenues would probably have provided for the entire charge of the civil list of Queen Anne. But at least the small remnant of crown lands was saved, and in that and the next two reigns, some additions were made to the royal estates, by escheats and forfeitures.(4)

Constitutional Results

While this waste of the crown property had been injurious to the public revenues, it favoured the development of the liberties of the people. Kings with vast hereditary revenues,—husbanded and improved,—would have been comparatively independent of Parliament. But their improvidence gradually constrained them to rely upon the liberality of their subjects;

until their own necessities, and the increasing expenditure of the state, at length placed them entirely under the control of Parliament.

[231] No constitutional change has been more important in securing popular control over the executive government, than the voting of supplies by the House of Commons: nor has any expedient been better calculated to restrain the undue influence of the crown, than a strict settlement of its revenues by Parliament. In the reign of Charles II., the principle of appropriating supplies to specific service by statute,—which had not been without previous recognition,—was formally established as one of the conditions, under which Parliament granted money for the service of the state. But until the Revolution, no limitation had been imposed upon the personal expenditure of the sovereign. It had been customary for Parliament to grant to the king, at the commencement of each reign, the ordinary revenues of the crown, which were estimated to provide, in time of peace, for the support of His Majesty's dignity and civil government, and for the public defence. To these were added, from time to time, special grants for extraordinary occasions. The ordinary revenues were derived, first, from the hereditary revenues of the crown itself, and secondly, from the produce of taxes voted to the king for life. The hereditary revenues consisted of the rents of crown lands, of feudal rights, the proceeds of the post-office, and wine licenses; and, after the surrender of feudal tenures by Charles II., in 1660, of part of the excise duties.

In the reign of James II. the hereditary revenues, together with the taxes voted for the king's life, [232] amounted on an average to £1,500,964 a year. Whatever remained of this annual income, after the payment of the necessary expenses of the government, was at the king's absolute disposal,—whether for the support of his dignity and influence, or for his pleasures and profusion. Not satisfied with these resources for his personal expenditure, there is no doubt that Charles II. applied to his own privy purse, large sums of money which had been specially appropriated by Parliament, for carrying on the war.(5)

The Civil List

To prevent such abuses in future, on the accession of William and Mary, Parliament made a separate provision for the king's 'Civil List,'—which embraced the support of the royal household, and the personal expenses of the king, as well as the payment of civil offices and pensions. The revenue voted for the support of the crown in time of peace, was £1,200,000; of which the civil list amounted to about £700,000, being derived from the hereditary revenues of the crown, estimated at £400,000 a year and upwards,—and from a part of the excise duties, producing about £300,000.(6) The system thus introduced was continued in succeeding reigns: and the civil list still comprised not only the expenses of the sovereign, but a portion of the civil expenditure of the state.

[233] The civil list of Queen Anne was settled by Parliament in the same form, and computed at the same amount as that of William III. Her Majesty, while she feared the revenue granted to her would fall short of that enjoyed by the late king, promised that £100,000 a year should be applied to the public service. So far, however, from fulfilling this promise,—during the twelve years of her reign, she incurred debts amounting to £1,200,000, which were paid off by Parliament, by way of loans charged upon the civil list itself.

The civil list of George I. was computed at £700,000 a year; and, during his reign, debts were incurred to the extent of £1,000,000, which were discharged by Parliament, in the same manner.

The hereditary revenues were continued to George II., with a proviso that if they should produce less than £800,000 a year, Parliament would make up the deficiency. The king, however, was entitled to any surplus above that sum. This was an approximation to a definite civil list, as the minimum at least was fixed. For the last five years of his reign these revenues

had risen, on an average, to £829,155 a year: but during the whole of his reign, they amounted to less than £800,000. In 1746 a debt of £466,000 on the civil list was discharged by Parliament. This debt was stated by [234] the king to have been incurred in consequence of the hereditary revenues having fallen short of £800,000 a year; and Parliament was, therefore, bound by the terms of its original contract to make up the deficiency.

Footnotes.

1. Tenures Abolition Act 1661, 12 Car. II. c. 24.
2. 22 Car. II. c. 6 ; 22 and 23 Car. II. c. 24.
3. 1 Anne, c. 7, s. 5.
4. Much curious learning is to be found concerning the land revenues of the crown in Wright's Tenures; Hargrave's Notes to Coke on Littleton; Coke's 1st Inst.; Spelman's Works (of Feuds); Lord Hale's History of the Common Law; Gilbert's Hist. of the Exchequer; Maddox's Hist. of the Exchequer; Davenant on Resumptions; Dugdale's Monasticon; Rymer's Foedera; Rapin's Hist.; and an interesting summary in St. John's Observations on the Land Revenues of the Crown. 4to., 1787.
5. Lord Clarendon's Life, iii. 131 ; Pepys' Diary, Sept. 23rd, and Dec. 12th, 1666, whence it appears that above £400,000 had gone into the Privy Purse since the War. Memoirs, iii. 47, 105.
6. Parl. Hist., v. 193; Com. Journ., x. 438, 54 ; Smollett and Hallam state the civil list at £600,000.

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